REMARKS/ARGUMENTS

Claims 9-11 are now pending in this application, with claim 11 being the only independent claim. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 9 and 11 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 5,720,223 (Meschi) in view of U.S. Patent No. 3,889,939 (Faltin) and further in view of U.S. Published Patent Application No. 2002/0088323 (Hashigaya).

Claim 10 stands rejected under 35 U.S.C. §103 as unpatentable over Meschi, Faltin, and Hashigaya and further in view of U.S. Patent No. 4,620,466 (Jumel).

Under 35 U.S.C. §103, a patent may not be obtained if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

Independent claim 11 is allowable over the combined teachings of Meschi, Faltin, and Hashigaya because (1) Meschi discloses a data printer, the features of which are not readily combinable with a rotary press; (2) the combination of Meschi Falton and Hashigaya, fails to disclose a repeated sequence of at least two printed pages with different heights printed for each rotation of the plate cylinder; and (3) the combination also fails to disclose predefined movement sequences for the cutting cylinder motor stored in a memory that are selected based on a position of the plate cylinder.

Meschi

Meschi relates to a transversal perforating apparatus and respective perforating method for data printers fed by continuous paper having lateral holes (see col. 1, lines 23-34; and

col. 3, lines 18-23). According to Meschi, a strip of paper 1 is acted on by printing heads 2, 3 and fed through a perforating apparatus 12 with a perforating roller 13 (see col. 3, lines 3-10; and Fig. 1 of Meschi). A dragging device 17 includes sprockets which engage lateral holes 20 on the sides of the strip 1 to advance the strip, i.e., drag the strip of paper through the printer (col. 3, lines 15-22). A perforating blade 16 is arranged on the roller so that a perforation is made orthogonally to the longitudinal border thereof (col. 4, lines 5-10). Furthermore, the speed of the roller 13 and blade 16 can be varied as shown in Figs. 6A, 6B, 6C, and 6D to produce transverse perforations at any predetermined distance from one another (col. 4, lines 14-33). Meschi further discloses encoders 26 and 18 at the printing head 2 and dragging device 17, respectively (see Fig. 1; and col. 3, lines 23-29 and col. 4, lines 64-67). The encoders 26, 18 monitor the advancement of the paper strip and the operation of these encoders is described, for example, at col. 3, lines 30-39 of Meschi. The length between transverse perforations in Meschi is communicated to an encoder 22 associated with the perforating roller 13 by a central processor 24 (col. 4, line 60 - col. 5, line 3).

Meschi relates to a data printer for computer paper having lateral holes 20. The feed for this unit is not operated at the speed of a web traveling through a rotary printing press of the present invention. Data printers as disclosed in Meschi are not rotary printers, i.e., data printers do not print multiple copies of newspapers, magazines, or pamphlets, for distribution (see, e.g., U.S. Patent No. 4,896,173, which describes data printers). Thus, Meschi fails to disclose the step of printing the web with the repeated sequence of at least two printed pages with different heights in a web-fed rotary printing press having a plate cylinder driven by a plate cylinder motor, because Meschi fails to disclose a rotary printing press.

Furthermore, and contrary to the assertions made by the Examiner, Meschi does not disclose a repeated sequence of at least two printed pages with different heights printed for each rotation of a plate cylinder. As described above, a data printer such as Meschi typically prints out various different sets of data produced by a computer or computer system. Furthermore, the data printer of Meschi does not include a plate cylinder. Even if Meschi is considered were to print a repeated sequence of pages with different heights, there is no teaching or suggestion that the repeated sequence would be printed for each rotation of a plate cylinder. Accordingly, Meschi fails to teach or suggest anything about printing repeated sequences of printed pages having different page lengths for each rotation of a plate cylinder in a rotary printing machine.

Moreover, Meschi does not rely on predefined movement sequences for the cutting cylinder motor. Instead of predefined sequences for the cutting cylinder motor, Meschi discloses that the length of a printed page is communicated to a processor 24 which calculates a new start and stop position for encoders 18, 22 (see col. 5, lines 62-65). The encoders 18, 22 determine the position of the web 1 and motor 15 which drives the blade respectively. Since Meschi calculates the start and stop position of the encoders for each page that is printed, Meschi fails to disclose "predefining at least two different movement sequences for the cutting cylinder motor in the computing and storage unit and storing the movement sequences in a memory in the computing and storage unit, each of the different movement sequences being associated with one of the different heights of the printed pages", "selecting one of the movement sequences from the memory based on the communicated rotary position of the plate cylinder and transferring corresponding instructions to the cutting cylinder motor".

Furthermore, there is no suggestion or teaching in Meschi that movement sequences are predefined. Rather, Meschi discloses that the movement sequence is calculated for each printed page as described above. Accordingly, Meschi fails to disclose the steps of "predefining at least two different movement sequences for the cutting cylinder motor in the computing and storage unit and storing the movement sequences in a memory in the computing and storage unit, each of the different movement sequences being associated with one of the different heights of the printed pages" and "selecting one of the movement sequences from the memory based on the communicated rotary position of the plate cylinder and transferring corresponding instructions to the cutting cylinder motor", as expressly recited in independent claim 11.

Faltin

Faltin fails to disclose what Meschi lacks. Faltin discloses an auxiliary cut-off unit 12 for a rotary web type printing press 10 and method of forming severed pieces. As described above, a rotary printing press, such as the one disclosed by Faltin, is wholly different from the data printer disclosed by Meschi. Accordingly, one skilled in the art could not readily interchange parts from the data printer of Meschi and incorporate it in the rotary printer of Faltin and *vice versa*. Even if the teachings of Meschi and Faltin are combined, the cutter assembly 70 disclosed by Faltin is the same as the prior art cutters disclosed by the present application. More specifically, to produce cut webs of various lengths, a plurality of interchangeable gears are respectively connected to produce various gear ratios and thus, various length cuts. Thus, Faltin fails to teach or suggest anything about cutting repeated sequences of printed pages having different heights or predefined movement sequences that are selected based on a position of a

plate cylinder. Accordingly, independent claim 11 is allowable over the combined teachings of Meschi and Faltin.

Hashigaya

Hashigaya discloses a device and method for cutting a web of photosensitive planographic printing plate precursor to a set or predetermined size (see paragraph [0002]). Hashigaya discloses the use of length measuring rolls 42 which nip the web 12 and which are rotated by the web (see paragraph [0039] of Hashigaya). The measuring rolls 42 are connected to an encoder 28 and based on the rotations counted by the encoder, a cutter controller 30 calculates a fed amount of the web 12 (see paragraphs [0040] and [0041]). The measuring rolls 42 and encoder 28 are used to increases accuracy in the cut length by correcting for errors that occur at various speeds while accelerating or decelerating (see the problem described in paragraph [0008]).

The Examiner alleges that Hashigaya discloses the selection of a movement sequence for the cutter. However, Hashigaya discloses correction calculating device that corrects the cutter controller 30. In other words, Hashigaya discloses calculating a correction and implementing the correction. Furthermore, Hashigaya does not selection from two or more different movement sequences based on a position of the plate cylinder because (1) Hashigaya is not a printer and therefore does not have a plate cylinder; and (2) Hashigaya cuts all the pieces to a predetermined length. That is, Hashigaya merely cuts pieces of a web into predetermined sizes. More particularly, the web disclosed in Hashigaya is a photosensitive planographic printing plate precursor. It does not disclose "printing the web with the repeated sequence of at least two printed pages with different heights in a web-fed rotary printing press". Rather, the goal of Hashigaya is to produce cut pieces with a very accurate predetermined length. The pieces cut by

Hashigaya are precursor pieces that are eventually used with a plate cylinder. Thus, Hashigaya fails to teach or suggest anything about repeated sequences of printed pages having different lengths or selecting one of the movement sequences from the memory based on the communicated rotary position of the plate cylinder and transferring corresponding instructions to the cutting cylinder motor.

In view of the above, the combination of the teaching of Meschi, Faltin, and Hashigaya fails to disclose, teach or suggest "printing the web with the repeated sequence of at least two printed pages with different heights in a web-fed rotary printing press", "wherein the repeated sequence of at least two printed pages with different heights is printed for each rotation of the plate cylinder", "predefining at least two different movement sequences for the cutting cylinder motor in the computing and storage unit and storing the movement sequences in a memory in the computing and storage unit, each of the different movement sequences being associated with one of the different heights of the printed pages", "selecting one of the movement sequences from the memory based on the communicated rotary position of the plate cylinder and transferring corresponding instructions to the cutting cylinder motor", and "rotating the cutting cylinder according to the selected movement sequence thereby cutting one sheet from the printed web, wherein a rotational speed of the cutting cylinder during the cutting operation corresponds approximately to the web speed", as expressly recited in independent claim 11.

Furthermore, these steps can not be gleaned from the prior art references without impermissible hindsight analysis.

For all of the above reasons, independent claim 11 is allowable over the combined teachings of Meschi, Faltin and Hashigaya.

Dependent claims 9-10 are allowable for the same reasons as is independent claim 11, as well as for the additional recitations contained therein.

Jumel fails to teach or suggest what Meschi, Faltin and Hashigaya lack. Accordingly, the claims are also allowable over the combination Meschi, Faltin, Hashigaya, and Jumel.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
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